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Federal Communications Commission  
Office of Secretary

November 1, 2004

***Ex Parte – FOR PUBLIC INSPECTION***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW A-325  
Washington, D.C. 20554

Re: *In the Matter of Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, WC Docket No. 04-313, CC Docket No. 01-338*

Dear Ms. Dortch:

On November 1, 2004, Qwest provided highly confidential information, subject to the terms of the Commission's protective order in this docket, to Ian Dillner and Russ Hanser of the Wireline Competition Bureau. The information includes on a wire center basis, for each of Qwest's wire centers, the number of fiber-based collocation arrangements in a Qwest central office; the number of collocation arrangements of any type in the serving wire center (including fiber-based collocations, but excluding collocation arrangements solely for line sharing); whether a facilities-based competitor is present within the wire center boundaries; and the number of Qwest business, Qwest residential, and Qwest total (*i.e.*, business and residential) access lines. Attached to this letter is the redacted version of this information.

The unredacted version of this information shows that, at least in Qwest's region, competition is not limited to those wire centers with facilities-based collocation or wire centers that have more than a certain number of business access lines. In many relatively small wire centers that do not have fiber-based collocation, there are multiple collocation arrangements of other types. (See the sixth column of the unredacted spreadsheet.) Each of the collocation arrangements identified in the unredacted chart provides a CLEC with the ability to provide DS1 capacity services over copper loops through HDSL technology. A CLEC can use a digital capable two-wire copper loop to provide DS1 service to a customer located as far as 10,000 feet from an ILEC central office using HDSL2 technology. A CLEC can also use a four-wire copper loop to provide DS1 service to the end use customer located up to 11,000 feet from the ILEC central office using HDSL technology, or up to 14,000 feet using HDSL4 technology. In addition, a CLEC can use two two-wire copper loops to deliver DS1 service using HDSL or HDSL4 technology at similar distances. HDSL technology is readily available in the marketplace from vendors such as Cisco. Similar technologies are also available to CLECs to provide DS3 services over digital capable

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two- and four-wire copper loops.<sup>1</sup> Thus, the presence of collocation in a wire center indicates that a CLEC is capable of providing DS1 and DS3 services in that wire center today using readily available technologies.

The information being provided by Qwest also shows that there are facilities-based competitors present in many relatively small wire centers that do not have fiber-based collocation. If a wire center has one or more facilities-based competitors, the seventh column of the unredacted spreadsheet is marked "Y." If there currently are no facilities-based competitors in that wire center, that column is marked "N." Finally, if it is unknown whether there are one or more facilities-based competitors in the wire center, that column is marked "U." For purposes of the spreadsheet, "facilities-based competitors" include cable companies, other incumbent LECs, municipal providers, and CLECs that do not collocate in Qwest's wire centers. The data does not include CMRS providers. This data came from two general sources. First, some of the data was based on information culled from state proceedings, public pronouncements by carriers, and Qwest competitive intelligence. The entries for wire centers for which the "Y" in the seventh column are bolded and underlined are based on these data. In compiling these data, Qwest used the following rules of thumb:

- Any provider, regardless of whether the provider is a traditional CLEC, an independent ILEC, a municipality, a cable provider, or a wireless broadband Internet provider, was considered to be a "facilities-based competitor" if Qwest has direct evidence that the provider has deployed its own facilities in a Qwest wire center to serve end users.
- The evidence considered included public pronouncements by the providers, data developed in state regulatory filings, discovery responses and data provided by Qwest's competitive intelligence.
- If at least one provider could be confirmed as providing "loop bypass" competition in a Qwest wire center, that wire center was marked as having a facilities-based competitor. In fact, such a wire center may have numerous facilities-based competitors.
- The data on cable providers was obtained primarily through Qwest's Competitive Intelligence ("Qwest CI") mapping process. Qwest CI has either contacted the cable provider or entered street addresses into the Cox and Comcast web sites to determine precisely where each provider is offering cable television service, broadband cable modem service and/or telephone service. If Qwest CI confirmed the cable provider is offering either broadband cable modem service or telephone service in a wire center, that wire center is marked as possessing at least one facilities-based competitor. Since end users can use broadband cable modem service to facilitate VoIP, the availability of such facilities represents direct competition to Qwest telephony services.

For those wire centers in which the information described above was not available, Qwest utilized a survey of Qwest network personnel and their knowledge of local conditions. This survey has not been validated against other publicly available information. For those wire

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<sup>1</sup> See Qwest Reply Comments at 37-38, Attachment 2 (Declaration of David L. Teitzel and Barry Orrel) at 14.

centers where Qwest used this latter source of information, the "Y" in the seventh column is unbolded and not underlined.

As a final matter, it should be noted that competition is not limited to Qwest's wire centers that fall within an MSA. As can be seen in the unredacted spreadsheet, many wire centers in non-MSA areas have collocation and/or the presence of one or more facilities-based providers.

All inquiries relating to access (subject to the terms of any applicable protective order) to the confidential information submitted by Qwest should be addressed to me at the phone number above.

Acknowledgment and date of receipt of this submission are requested. A duplicate of this letter is provided for that purpose.

Sincerely,

/s/ Craig J. Brown

Attachment

c: Ian Dillner  
Russ Hanser

## COMPETITION IN QWEST TERRITORY

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